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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,494	12/17/2001	Michael J. Diana	3030-69441	2790

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EXAMINER	
RIVELL, JOHN A	
ART UNIT	**PAPER NUMBER**
3753	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,494	DIANA, MICHAEL J.	
	Examiner	Art Unit	
	John Rivell	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/24/05 (amendment)*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-27 and 29-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Applicant's arguments filed February 24, 2005 have been fully considered but they are not persuasive.

Claims 1-18, 28 and 35 have been canceled. Claims 19-17 and 29-34 remain pending.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 19, 20, 22-24, 26, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahmann et al. (German No. DE 198 16 041 cited by applicant) in view of Kiernan (U.S. 3,654,960).

The document to Kahmann et al. discloses "A coating material (e.g. paint) color changer for selecting among a number of colors (each supply container 5 contains a paint of a different color) of coating material to be supplied to an output port (at 15) of the color changer, the color changer (1) including multiple sections (section 10, section 10', section 10''), each section having two opposed walls (for connection/contact with adjacent sections in the assembled state),... each section including a first passageway (12) and a second passageway (14), each section further including a valve (21 or 22) coupled to that section's first passageway (12), each valve (21 or 22) permitting the coating material color that flows through that section's first passageway (12) to be provided to that section's second passageway (14) upon actuation of that section's (21 or 22), and out of the coating material color changer (10), each section's first passageway (12) adapted to permit the passage of a pig through the first passageway (12 by reason of the uniformity of the bore forming passage 12 as illustrated in figures 2

and 3; such uniformity is clearly "adapted to permit the passage of a pig" therethrough)" as recited in claim 19.

Thus the document to Kahmann et al. discloses all the claimed features with the exception of having, in each of the opposed side walls of each section 10 "a relief for receiving a head of a fastener of an adjacent section and an opening for receiving a body of the fastener, the opening intersecting the relief such that accommodation of the head of the fastener in the relief and the body of the fastener in the opening, followed by tightening of the fastener assembling the adjacent sections together".

The patent to Kiernan discloses that it is known in the art to employ, on opposed side walls of a "section" 28 of a manifold unit which along with adjacent connected units 28 form a manifold assembly, "a relief (at 76, 78) for receiving a head of a fastener (94) of an adjacent section and an opening (92) for receiving a body of the fastener, the opening (92) intersecting the relief (76, 78) such that accommodation of the head of the fastener (94) in the relief and the body of the fastener in the opening, followed by tightening of the fastener assembling the adjacent sections together" (as recited in claim 19) for the purpose of permitting assembly or disassembly of individual units to or from the manifold assembly without removal of the entire manifold assembly from the fluid circuit(s) to which the manifold assembly is attached.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in the opposed walls of each section of Kahmann et al. "a relief for receiving a head of a fastener of an adjacent section and an opening for receiving a body of the fastener, the opening intersecting the relief such that accommodation of the head of the fastener in the relief and the body of the fastener in the opening, followed by tightening of the fastener assembling the adjacent sections together" for the purpose of permitting assembly or disassembly of individual units to or

from the manifold assembly without removal of the entire manifold assembly from the fluid circuit(s) to which the manifold assembly is attached as recognized by Kiernan.

Regarding claim 20 Kahmann et al. further includes "a circuit (shown in fig. 1) for supplying the selected coating material color to a dispensing device (15), each valve (21 or 22) providing the coating material color that flows through its respective section's second passageway (14) upon actuation of that section's valve (21 or 22), and out of the fluid changer (10, 10', 10") to the circuit and the dispensing device (15)" as recited.

Regarding claims 22 and 29, in Kahmann et al., "each section (10, 10' or 10") comprising a separate module (10 shown in figs. 2-3), the modules being selectively removably connectable together in a desired number to permit the selection of any desired number of coating material colors in the coating material color changer" as recited. Note in fig. 1 for example, three different "modules" 10, 10', 10" for three different fluids 5, 5, 5.

Regarding claims 23, 24, 26, 30, 31 and 33, the document to Kahmann et al. discloses all the claimed features with the exception of having for "two second passageways, each section further including two valves coupled to that section's first passageway, each valve permitting the coating material color that flows through that section's first passageway to be provided to a respective one of that section's second passageways upon actuation of that respective valve, and out of the coating material color changer" (claims 23 and 30), "two circuits for supplying the coating material colors transported through the two second passageways to two coating material dispensing devices, each valve providing the coating material color that flows through its respective one of its respective section's second passageways upon actuation of that respective valve, and out of the coating material color changer to a respective one of the circuits and to a respective coating material dispensing device" (claims 24 and 31) and "valve

means for switching between supplying the coating material colors transported through the two second passageways to the coating material dispensing device, the valve means providing the coating material color that flows through a selected one of the second passageways to the coating material dispensing device" (claims 26 and 33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to two second passageways, each section further including two valves coupled to that section's first passageway, each valve permitting the fluid that flows through that section's first passageway to be provided to a respective one of that section's second passageways upon actuation of that respective valve, and out of the fluid changer" (claims 23 and 30), "two circuits for supplying the fluids transported through the two second passageways to two fluid dispensing devices, each valve providing the fluid that flows through its respective one of its respective section's second passageways upon actuation of that respective valve, and out of the fluid changer to a respective one of the circuits and to a respective dispensing device" (claims 24 and 31) and "valve means for switching between supplying the fluids transported through the two second passageways to the fluid dispensing device, the valve means providing the fluid that flows through a selected one of the second passageways to the dispensing device" (claims 26 and 33), since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8. That is, here the claimed limitations merely relate to the duplication of the "first" second passageway, circuit and valve disclosed in Kahmann et al.

Claims 21, 25, 27, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahmann et al. in view of Kiernan as applied to claims 19, 20, 22-24, 28, 28-31, 33 and 35 above, further in view of Kock.

The patent to Kahmann et al., as modified above, discloses all the claimed features with the exception of having a "pressure regulator oriented in the circuit between the fluid changer and the dispensing device".

The patent to Kock discloses that it is known in the art to employ a "pressure regulator" at respective valves "DUMP I" or "DUMP II" of figure 1 or single regulator valve "DUMPI, II" of fig. 2 in the fluid circuit "between the fluid changer (MANIFOLD I or MANIFOLD II) and the dispensing device" at "SRPAY GUN" for the purpose of regulating the regulating the fluid pressure supplied to the dispensing device from the fluid changer.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Kahmann et al., as modified, a pressure regulator in the circuit between the fluid changer 10, 10', 10''' and the dispensing device 15 therein for the purpose of regulating the regulating the fluid pressure supplied to the dispensing device from the fluid changer as recognized by Kock.

In response to applicant's argument that Kiernan is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, although Kiernan does not relate to changing of paint colors supplied to a dispensing device, it is considered to be within the field of applicants endeavor in that, applicants field of endeavor is directed to individual fluid block sections which are physically connected together to form a manifold, albeit for use as a paint color selector, a function achieved by the primary reference to Kahmann et al., Kiernan clearly discloses individual fluid conducting block sections connected together using the same structural

details as claimed herein. Additionally, Kiernan is believed reasonable pertinent to the particular problem to which applicant is concerned as it relates to the claimed subject matter missing from Kahmann et al., i.e. the coupling structure employed on adjacent block sections to permit easy coupling of adjacent block sections.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Here, as taught by Kiernan, one of ordinary skill is taught to employ, on opposed side walls of a "section" 28 of a manifold unit which along with adjacent connected units 28 form a manifold assembly, "a relief (at 76, 78) for receiving a head of a fastener (94) of an adjacent section and an opening (92) for receiving a body of the fastener, the opening (92) intersecting the relief (76, 78) such that accommodation of the head of the fastener (94) in the relief and the body of the fastener in the opening, followed by tightening of the fastener assembling the adjacent sections together" for the purpose of (i.e. the motivation to make the combination) permitting assembly or disassembly of individual units to or from the manifold assembly without removal of the entire manifold assembly from the fluid circuit(s) to which the manifold assembly is attached. Clearly, should one be required to disassemble the entire manifold from the fluid circuit(s), perhaps as in Kahmann et al., in order to effect a change in the number of fluid block sections connected, e.g. either to add or subtract fluid blocks as necessary, it would be of benefit in terms of down time of the fluid circuit(s) and a reduction in assembly time to

merely add or subtract individual block sections as needed to the manifold without disconnecting the entire manifold from the fluid circuit(s) lines and the dispensing outlet.

It would certainly seem reasonable to one of ordinary skill in the art to consider prior art relating to the connection of individual adjacent fluid conducting block sections to determine the patentability of claim language directed to the connection of individual adjacent fluid conducting block sections.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Rivell
Primary Examiner
Art Unit 3753

j.r.